



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

JUNE 4, 2008



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Regularly Scheduled Meeting** beginning at **7:00 p.m. on Wednesday, June 4, 2008**, in the Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 250 (work session) and Suite 300 (business meeting), Cottonwood Heights, Utah.

5:45 p.m. WORK SESSION (suite 250)

7:00 p.m. BUSINESS MEETING (suite 300)

1.0 WELCOME/ACKNOWLEDGEMENTS – Chairman

2.0 CITIZEN COMMENTS

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)

3.0 PUBLIC HEARINGS

There are no public hearings scheduled for the June 4, 2008 meeting.

4.0 ACTION ITEMS

4.1 The Planning Commission will take action on a request by Scott McDonald for a Conditional Use request for an 11,800 square foot Office/Retail space in one new building located at 6700 S. Highland Dr. and 6710 S. Blackstone Rd., also known as Blackstone Crossing.

5.0 DISCUSSION ITEMS

5.1 The Planning Commission will discuss the proposed amendments to the Foothill Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill Residential Zone F-1-21; Rural Residential Zone RR-1-43; Rural Residential Zone RR-1-21; Residential Single Family Zone R-1-15; Residential Single Family Zone R-1-10; Residential Single Family Zone R-1-8; Residential Single Family Zone R-1-6 zoning amendment. Modifying setbacks for accessory structures and re-evaluating adopted list of permitted and conditional uses.

5.2 The Planning Commission will discuss the proposed amendments to Chapter 19.76, Supplementary and Qualifying Regulations.

6.0 PLANNING DIRECTOR'S REPORT

6.1 ADJOURNMENT

On Friday, May 30, 2008, at 4:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Planning Department. A copy was also faxed or emailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city internet website at www.cottonwoodheights.utah.gov

Morgan Brim
Planning Technician



Agenda Item 4.1 Action Item – Conditional Use Staff Report – Blackstone Crossing (08-003)

File Name:	Blackstone Crossing
Application Received:	March 18, 2008
Meeting Date:	June 4, 2008
Public Hearing Date:	May 21, 2008
Parcel Number:	2222302014 and 2222302018
Location:	6710 S. Blackstone Rd.
Development Area:	39,612 square feet
Request:	Conditional Use Permit
Owner/Applicant:	McDonald Family Trust
Agent:	Scott McDonald
Staff:	Greg Platt, Planner

Purpose of Staff Report

The conditional use ordinance adopted by the city of Cottonwood Heights (the “City”) requires City staff to prepare a written report of findings concerning any conditional use application. This report provides information considered to be preliminary regarding the development of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the CR zoning ordinance (chapter 19.40), off-street parking ordinance (19.80), signs ordinance (19.82) and the conditional use ordinance (chapter 19.84).

Pertinent Issues Regarding this Development Application

Applicant’s Request

The applicant is requesting a conditional use permit for the development of one building split evenly between medical office and retail space, totaling 11,800 square feet.

Neighborhood/Public Position on the Request

At the time of this report, no formal public commentary or inquiry has been received by the staff relative to this application. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 500 feet of the applicant’s property at least 10 days prior to the public hearing.

Since the time of the public hearing and at the time of this writing, staff has not received any public comments. We will update you on this in the meeting as the public hearing will be open until the meeting starts on Wednesday.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

Site Layout

The site is laid out in two parcels. Both parcels are long and narrow, and one is triangular, coming to a point along the I-215 ramp. The total acreage of the two lots is approximately .91 acres. The coverage restriction in this zone is 50% including all structures. Actual coverage by structures is 14.9%. Parking and sidewalk cover an additional 42% of the lot, leaving 43.1% for landscaping

The site is bordered on the west by Highland Drive and the I-215 ramp, and on the east by Blackstone Road. To the south, the property abuts the Community First National Bank and the Gateway Overlay Zone. In all there is one commercial property that abuts the proposed project. The rest of the frontage is on public streets (Highland, Blackstone, and I-215 ramp).

Landscaping and Screening / Fencing

The proposed landscape plan with 43.1% landscaping coverage meets the requirements of the City's CR zone of 15% coverage.

Landscaping in this plan is accomplished via the addition of new trees, shrubs, native flowers, grass and other seed mixes as well as other decorative elements such as accent boulders.

Fencing for the development is limited to the western edge of the development, north of the parking lot and adjacent to the I-215 onramp.

Screening will also be placed around the trash receptacle with a masonry wall six feet in height. Landscaping surrounds the receptacle to minimize visual impact. Staff disagrees with the placement of the trash receptacle because the trash receptacle and screen provided on the site fronts on a road which is generally disallowed. However, due to the double frontage of the lot, and because the receptacle is placed along a freeway ramp rather than a regular street, some consideration may be given. Staff believes that with the proper use of materials in the creation of the screen and with proper landscaping, the impact can be greatly reduced.

Architecture

The elevations given to staff reflect the city's aspiration for quality architecture throughout the city. Height, bulk, and siting of the structure are in line with city requirements. Materials for the building are adhered stone veneer with capstone band on the ground level with stucco above and aluminum fascia border on top. Per staff request, windows have been added to the western face because of the double road frontage. Suspended metal canopies hang above each doorway and first floor windows.

The ARC has reviewed the architecture and landscape plans and has made recommendations which are included.

Lighting

The lighting plan provided is consistent with city requirements for creating appropriate lighting within the development and shielding neighboring properties from light spillover.

Parking

The developer is showing the minimum amount of parking on the property if the use were split between retail and medical office space. In this split a total of 41 parking spaces are required and 41 spaces are provided by the developer. The developer also provides the minimum required two handicapped accessible stalls.

A path should be constructed through the center landscape island on the east side of the parking lot to give access to pedestrians to the sidewalk. This will provide those using the parking lot to access the building via sidewalk instead of by walking through the parking lot.

Traffic and Traffic Access

This development fronts on both Blackstone Road and Highland Drive. However, there will be no access from Highland Drive due to the divergence of Highland and the I-215 ramp at this location. Two points of ingress/egress will be available on Blackstone Road.

In addition, the City's traffic consultant has reviewed the development for parking and access issues. He will be in attendance at the meeting to give an oral presentation on his findings for the Planning Commission.

Signage

Elevations have been provided indicating the usage of wall signs on the exterior east and west walls of the building, which face onto public streets, in accordance with city standards. The sign area as indicated reflects the maximum of 15% of wall area on both walls. No monument signs have been indicated for use on the property and should be included if their use is intended.

Zoning

The zoning for the subject property is CR. Section 19.40.30 states "Any use with an individual gross floor area of more than 10,000 square feet shall be considered a conditional use." General office and general retail uses are also considered permitted or conditional uses.

Recommendation

Based upon the information above, staff is recommending that the planning commission approve the conditional use with the following conditions:

Proposed Conditions for the applicant's request for conditional use:

Planning:

1. All construction shall take place in accordance with the approved plans for this development. Any changes to the plans will be required to receive the appropriate approvals.
2. All landscaping in the development shall be completed before final certificate of occupancy is granted (19.80.080(G)).
3. All pedestrian walkways shall be lighted (19.80.090(3)).
4. All lights in the development shall be full-cut off (19.80.090(4)).
5. Developer shall provide walkways through center island on east side of parking lot for pedestrian access to the sidewalk.
6. No new tree in the development shall be less than two inch caliper at the time of planting.

7. Construction for the project shall be limited to the hours between 7:00 AM and 9:00 PM daily to preserve the integrity of the adjacent neighborhoods.
8. The use of the property be limited to office, business, and/or professional, medical, optical or dental offices or laboratories, and general retail.
9. The developer provide a plan for screening of mechanical equipment for staff review and subject to staff approval or rejection.
10. Street lighting will be provided by developer along city streets as indicated on the plat.

Engineering:

1. Please provide a geotechnical report for the proposed development.

Fire Department:

The fire official has reviewed the plans and has the following comments:

1. This project requires the installation of two new hydrants and must be installed prior to the delivery of combustible materials to the job site. Siting of hydrants as indicated on reviewed plat.
2. Approved lock box required on exterior door to sprinkler riser room and by each business as numbered on the reviewed plat.
3. Building must have an automatic fire sprinkler system.

ARC:

The Architectural Review Committee has reviewed the plans and has the following comments:

1. The wall around the trash receptacle should be faced with sandstone to the top with a sandstone or metal cap in order to match the building façade.
2. All the windows on the same side of the building should be of the same color, and preferably, all windows on the building should match.
3. Signs should be limited to one sign per tenant per side of the building, totaling two signs per tenant. Signs should be on the east and west sides of the building only.
4. Landscaping should include a minimum of three trees on the southwest corner of the lot to screen the stairs. As many as five columnar evergreen trees may be required, which will be determined by an on-site review after construction is completed.
5. Doors and windows on the west side of the building adjacent to Highland Dr. and the I-215 shall be equipped with blinds for screening from the street.
6. Parking on Blackstone Rd. should be discouraged for retail consumers and not allowed for deliveries.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

- 19.40 – Regional Commercial Zone
- 19.80 – Off-street parking requirements
- 19.82 – Signs
- 19.84 – Conditional Uses

Staff Contact:

Greg M. Platt – Planner

Phone: 545-4167

Fax: 545-4150

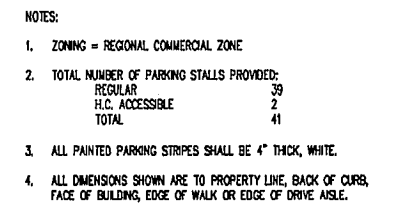
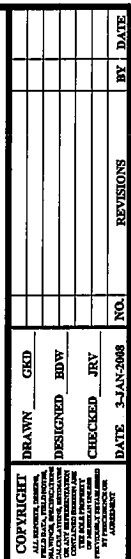
Email: gplatt@cottonwoodheights.utah.gov

List of Attachments: Map of the Property

Site plan

Architectural plans

Landscape plans

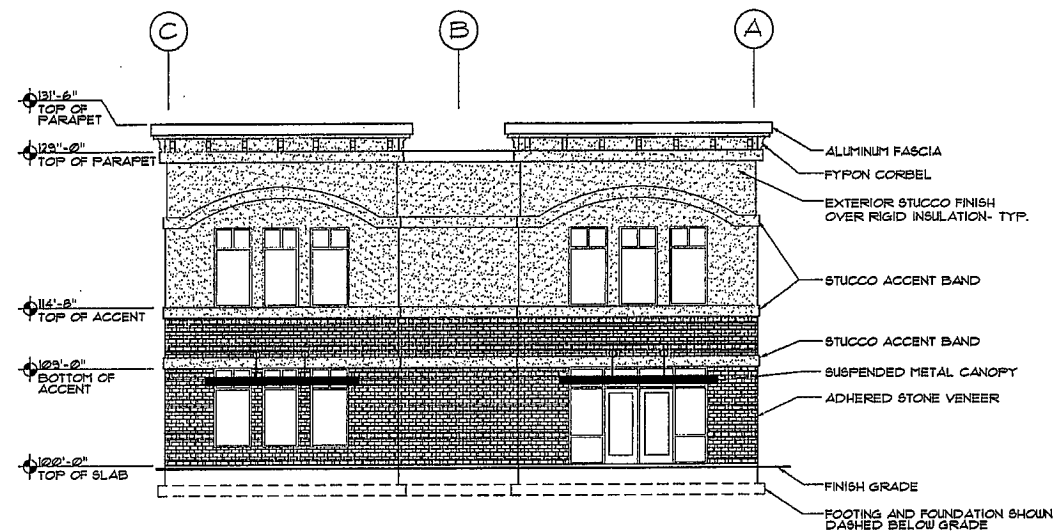


LAND USE TYPE	AREA (SF)	PERCENT
BUILDING FOOTPRINT	5900	14.9
SIDEWALK AND PARKING	16,633	42.0
LANDSCAPE	17,079	43.1
TOTAL	39,612	100.0





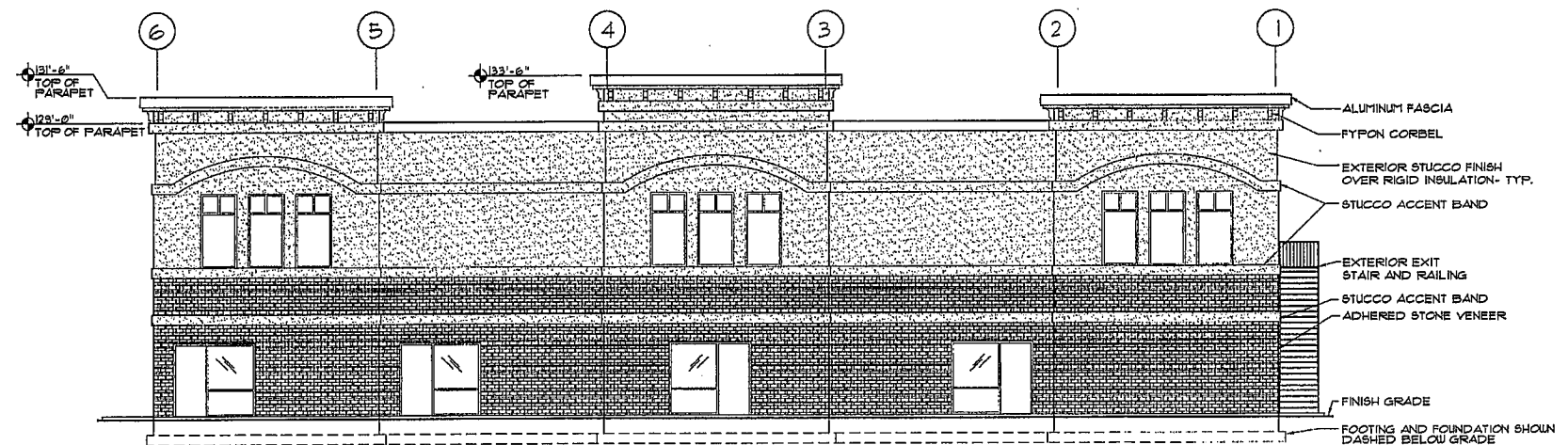
EAST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

**BRIAN D. RUSSELL
ARCHITECTS, INC.**
SUITE D
9217 SOUTH REDWOOD RD.
WEST JORDAN, UTAH 84088
(801) 307-0800 FAX (801) 307-0801

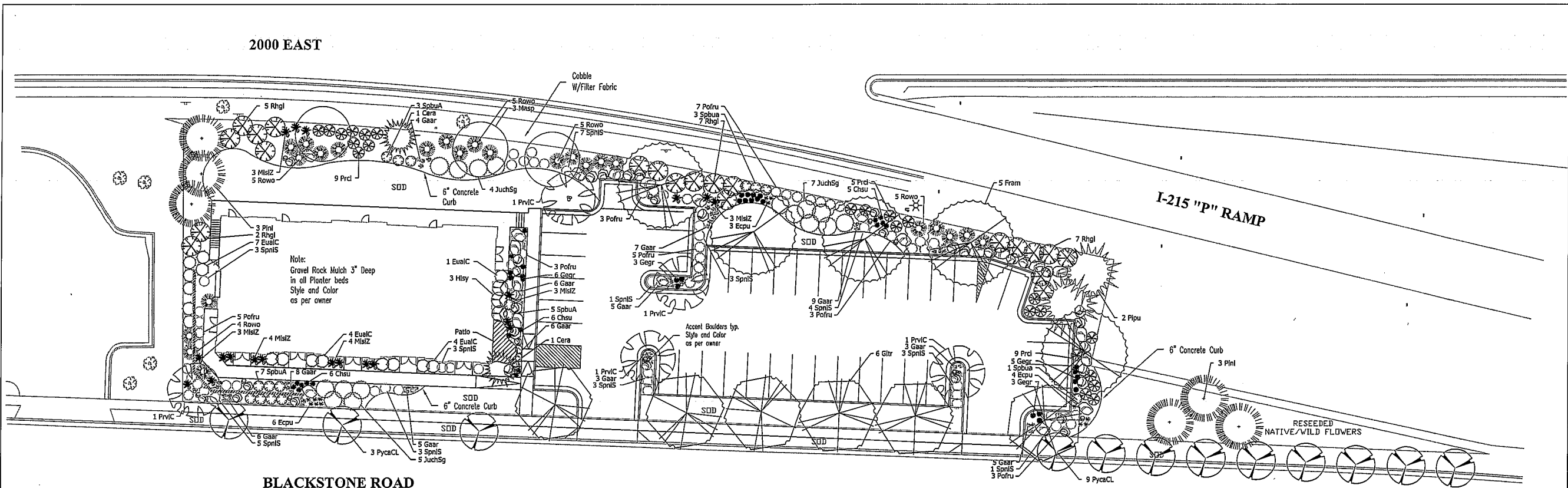
BLACKSTONE CROSSING
LOCATED AT:
ROYAL FARM DR. AND BLACKSTONE RD.
COTTONWOOD, UTAH

EXTERIOR BUILDING
ELEVATIONS

A-3

NO.	DATE	DESCRIPTION
1	11/10/1	
2		
3		

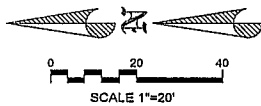
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BLACKSTONE ROAD

Plant Schedule

Broadleaf Deciduous				
Code Name	Symbol	Scientific Name	Common Name	Planting Size
PrvIC		Prunus virginiana 'Canada red cherry'	Canada Red Cherry	2 1/2'-Cal
PycaCL		Pyrus calleryana 'Cleveland Select'	Flowering Pear	2 1/2'-Cal
Rhgl		Rhus glabra	Smooth Sumac	5-Gal
Fram		Fraxinus americana	Autumn Purple Ash	2 1/2'-Cal
Gtr		Gleditsia triacanthos 'Inermis'	Shadenaster Honeylocust	2 1/2'-Cal
Masp		Prunus sp.	Weeping Flowering Cherry	2 1/2'-Cal
Conifer Evergreen				
Code Name	Symbol	Scientific Name	Common Name	Planting Size
JuchSg		Juniperus sabina 'Calgary Carpet'	Calgary Carpet Juniper	5-Gal
Pini		Pinus nigra	Austrain Pine	10-12'
Cera		Cedrus sp.	Blue Atlas Cedar	10-12'
Pipu		Picea pungens 'glauca'	Colorado Blue Spruce	10-12'
Shrub				
Code Name	Symbol	Scientific Name	Common Name	Planting Size
Caxcl		Caryopteris x clandonensis	Blue Mist Spiraea	5-Gal
Coal		Cornus alba 'Ballhola'	Ivory Halo Dogwood	5-Gal
EualC		Euonymus alata 'compacta'	Dwarf Burning Bush	5-Gal
Pofru		Potentilla fruticosa	Bush cinquefoil	5-Gal
Prcl		Prunus cistena	Purpleleaf sand cherry	5-Gal
SpnS		Spiraea nipponica 'Snowmound'	Snowmound Spiraea	3-Gal
SpbuA		Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spiraea	5-Gal
Hisy		Hibiscus Syriacus	Rose of Sharon	5-Gal
Rowo		Rosa woodsii	Woods Rose	5-Gal
Perennial				
Code Name	Symbol	Scientific Name	Common Name	Planting Size
Chsu		Chrysanthemum superbum	Alaska Daisy	1-Gal
Ecpu		Echinacea purpurea	Purple Coneflower	1-Gal
Gaar		Gaillardia aristata	Blanket Flower	1-Gal
Gegr		Geranium grandiflorum	Cranesbill Geranium	1-Gal
HeFu		Hemerocallis fulva	Mixed daylily	1-Gal
Grass				
Code Name	Symbol	Scientific Name	Common Name	Planting Size
Misl		Miscanthus sinensis 'Zebrinus'	Zebra grass	5-Gal



CLIENT NAME OR LOGO		CLIENT ADDRESS		CITY, STATE	
McDonald PROJECT		CONCEPTUAL LANDSCAPE PLAN		TASK/PHASE/PACKAGE DATA	
COMP. FILE		36x24Plan		PROJECT NO.	
				102007	
				SHEET NO.	
				1 OF 1	
DATE	BY	NO.	REVISIONS		
DRAWN	JS				
DESIGNED	JS				
CHECKED	AIL				
DATE	07DEC2007				



Action Item

Blackstone Crossing
6700 S. Highland Drive
6710 S. Blackstone Road



City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 545-4154



Published:
May 28, 2008



Item 5.1 DISCUSSION ITEM

Report on Foothill Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill Residential Zone F-1-21; Rural Residential Zone RR-1-43; Rural Residential Zone RR-1-21; Residential Single Family Zone R-1-15; Residential Single Family Zone R-1-10; Residential Single Family Zone R-1-8; Residential Single Family Zone R-1-6 zoning amendment. Modifying setbacks for accessory structures and re-evaluating adopted list of permitted and conditional uses.

The item is on the agenda for discussion only. I have received comments from one PC member (see attached) and will look forward to more discussion on the items in his email and other items as well at the meeting. This item is being noticed for a public hearing on the 2nd of July.

If you would like to send an email to me to address the issues that you may have, please do so or bring your concerns with you to the meeting for discussion.

Staff Contact:

Michael Black, AICP – Planning Director

Telephone: 545-4166

Mobile: 842-6071

Fax: 545-4150

E-mail: mblack@cottonwoodheights.utah.gov

Chapter 19.08
F-20 -- FORESTRY ZONE

Sections:

19.08.010 Purpose.

19.08.020 Permitted uses.

19.08.030 Conditional uses.

19.08.040 Water quality.

19.08.050 Minimum lot size.

19.08.060 Minimum lot width.

19.08.070 Set backs.

19.08.080 Maximum height of structures.

19.08.090 Maximum lot coverage.

19.08.100 Limits of disturbance.

19.08.110 Tree and vegetation protection.

19.08.010 Purpose.

The purpose of the F-20 zone is to provide recreational and residential opportunities for property owners within areas of hillside and steep slopes in the city while providing preservation of the natural landscape of hillsides.

19.08.030 Conditional uses.

Conditional uses in the F-20 zone are as follows:

1. Single family detached dwellings;
2. Planned unit development;
3. Private parks and recreational grounds;
4. Public and quasi-public use;
5. Radio and/or television tower;
6. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
7. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

8. Wireless telecommunication towers, subject to stealth measures; and
9. Household pets, provided the area proposed for animals is not in a watershed area, as determined by the health department.

19.08.040 Water quality.

(a) Health Department Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-20 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

(b) Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall receive the written approval of the state Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

(c) Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

(d) Subsequent Changes in Site Plan. If after health department or state Department of Environmental Quality review and action pursuant to this

section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

19.08.050 Minimum lot size.

The minimum lot size for each single-family dwelling, and any other use, in the F-20 zone is 20 acres.

19.08.060 Minimum lot width.

The minimum lot width in the F-20 zone is 350 feet.

19.08.070 Setbacks/yard requirements.

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks for each lot developed in the F-20 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, in certain cases he may refer the matter to the planning commission for decision. All setbacks in the F-20 zone shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

19.08.080 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. For accessory buildings, heights will be determined on a case by case basis, subject to the foregoing maximums.

19.08.090 Maximum lot coverage.

The maximum lot coverage for the F-20 zone is two percent, which includes all structures.

19.08.100 Limits of disturbance.

Disturbance in the F-20 zone shall be limited to 43,560 square feet of each lot. The remaining property shall be left in its natural vegetative state. In no case shall the limits of disturbance be inside a watershed boundary.

19.08.110 Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

Chapter 19.11
F-1-43 -- FOOTHILL
RESIDENTIAL ZONE

Sections:

19.11.010 Purpose.

19.11.020 Permitted uses.

19.11.030 Conditional uses.

19.11.040 Water quality.

19.11.050 Minimum lot size.

19.11.060 Minimum lot width.

19.11.070 Setbacks/yard requirements.

19.11.080 Site development plan approval.

19.11.090 Maximum height of structures.

19.11.100 Maximum lot coverage.

19.11.110 Open space requirement.

19.11.120 Tree and vegetation protection.

19.11.010 Purpose.

The purpose of the F-1-43 zone is to provide residential development opportunities for property owners within areas of steep slopes and hillsides in the city while providing preservation of the natural landscape of hillsides.

19.11.020 Permitted uses.

Permitted uses within the F-1-43 zone are as follows:

1. Single-family detached dwellings
2. Home occupations;
3. Household pets, provided the area proposed for animals is not in a watershed area, as determined by the health department; and
4. Accessory buildings customarily related to a permitted use.

19.11.030 Conditional uses.

Conditional uses in the F-1-43 zone are as follows:

1. Agricultural uses, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

2. Bed and breakfast;

3. Churches;

4. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

5. Home day care;

6. Planned unit development;

7. Public and quasi-public use;

8. Radio and/or television tower;

9. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

10. Wireless telecommunication tower; and

11. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations."

19.11.040 Water quality.

(a) Health Department Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-1-43 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

(b) Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall receive the written approval of the state Department of Environmental Quality

certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

(c) Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

(d) Subsequent Changes in Site Plan. If after health department or state Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

19.11.050 Minimum lot size.

The minimum lot size for any use in the F-1-43 zone is 43,560 square feet.

19.11.060 Minimum lot width.

The minimum lot width in the F-1-43 zone is 200 feet, measured at the front setback of the home.

19.11.070 Setbacks/yard.

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks for each lot developed in the

F-1-43 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, he may refer to the planning commission to make the determination in certain cases. All setbacks shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

19.11.080 Site development plan approval.

Site development plans for all development in the F-1-43 zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in 19.72, "Sensitive Lands."

19.11.090 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. For accessory buildings, heights will be determined on a case by case basis, subject to the foregoing maximums.

19.11.100 Maximum lot coverage.

The maximum lot coverage in the F-1-43 zone is 30%, which includes all structures.

19.11.110 Open space requirement.

The minimum open space requirement for developments over five acres in the F-1-43 zone is 10% for standard subdivisions. For PUD's, the minimum

open space shall be determined by the planning commission, but shall not be less than 20% per project.

19.11.120 Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

Chapter 19.14
F-1-21 -- FOOTHILL
RESIDENTIAL ZONE

Sections:

19.14.010 Purpose.

19.14.020 Permitted uses.

19.14.030 Conditional uses.

19.14.040 Water quality.

19.14.050 Minimum lot size.

19.14.060 Minimum lot width.

19.14.070 Setbacks/yard requirements.

19.14.080 Site development plan approval.

19.14.090 Maximum height of structures.

19.14.100 Maximum lot coverage.

19.14.110 Open space requirement.

19.14.120 Tree and vegetation protection.

19.14.010 Purpose.

The purpose of the F-1-21 zone is to provide residential development opportunities for property owners within areas of steep slopes and hillsides in the city while providing preservation of the natural landscape of hillsides.

19.14.020 Permitted uses.

Permitted uses within the F-1-21 zone are as follows:

1. Single-family detached dwellings;
2. Home occupations;
3. Household pets, provided the area proposed for animals is not in a watershed area, as determined by the health department;

19.14.030 Conditional uses.

Conditional uses in the F-1-21 zone are as follows:

1. Agricultural uses, as allowed by the applicable accessory regulations in chapter 19.76 "Supplementary and Qualifying Regulations";

2. Bed and breakfast;

3. Churches;

4. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

5. Golf course;

6. Home day care;

7. Planned unit development;

8. Public and quasi-public use;

9. Radio and/or television tower;

10. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

11. Water pumping plant and reservoir;

12. Wireless telecommunication tower; and

13. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations."

19.14.040 Water quality.

(a) Health Department Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-1-21 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

(b) Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall receive the written approval of the state

Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

(c) Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

(d) Subsequent Changes in Site Plan. If after health department or state Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

19.14.050 Minimum lot size.

The minimum lot size for any use in the F-1-21 zone is 21,780 square feet.

19.14.060 Minimum lot width.

The minimum lot width in the F-1-21 zone is 100 feet, measured at the front setback of the home.

19.14.070 Setbacks/yard requirements.

Because of the unique nature of development and general concern for

preservation of hillsides, individual setbacks for each lot developed in the F-1-21 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, in certain cases he may refer the matter to the planning commission for decision. All setbacks shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

19.14.080 Site development plan approval.

Site development plans for all development in the F-1-21 zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in chapter 19.72, "Sensitive Lands."

19.14.090 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.14.100 Maximum lot coverage.

The maximum lot coverage in the F-1-21 zone is 30%, which includes all structures.

19.14.110 Open space requirement.

The minimum open space requirement for developments over five acres in the F-1-21 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

19.14.120 Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

Chapter 19.17
RR-1-43 – RURAL RESIDENTIAL
ZONE

Sections

19.17.010	Purpose.
19.17.020	Permitted uses.
19.17.030	Conditional uses.
19.17.040	Lot area.
19.17.050	Lot width.
19.17.060	Front yard.
19.17.070	Side yard.
19.17.080	Rear yard.
19.17.090	Maximum height of structures.
19.17.100	Maximum lot coverage.
19.17.110	Open space requirement.

19.17.010 Purpose.

The purpose of the RR-1-43 zone is to provide areas in the city for low-density rural residential development, at a rate of one unit per acre, together with limited agricultural uses.

19.17.020 Permitted uses.

Permitted uses in the RR-1-43 zone are as follows:

1. Single-family detached dwellings;
2. Accessory uses and buildings customarily incidental to permitted uses;
3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code;
4. Home occupations;
5. Home day care/preschool; and
6. Household pets.

19.17.030 Conditional uses.

Conditional uses in the RR-1-43 zone are as follows:

1. Bed and breakfast;

2. Cemetery;

3. Day care/preschool center;

4. Dwelling group. The

development shall comply with the maximum allowable density for the RR-1-43 zone.

(a) The distance between the principal buildings shall be equal to the total side yards required in the zone; provided, however, that, at the option of the developer, the distance between the principal structures may be reduced to ten feet, provided that the difference between ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall not be less than 15 feet unless demonstrated by the development plan that the yard required for a principal building in that zoning district is more appropriate.

(b) The distance between the building and a public street shall be not less than the front yard required in the zoning district, except for corner lots the side yard which faces on a public street shall be not less than 20 feet.

(c) Access shall be provided by a private street or right-of-way from a public street; the private street or right-of-way shall not be less than 20 feet wide for one or two rear dwelling units and not less than 30 feet wide for three or more dwelling units.

(d) A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall be designed to comply with the city's parking standards.

(e) Every dwelling in the dwelling group shall be within 60 feet of an access roadway or drive.

(f) The development plan shall provide a buffer landscaped area along all property lines and decorative landscaping adjacent to the buildings in appropriate locations. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.

(g) The development shall be approved by the director and the fire department before final approval is given by the planning commission.

5. Fruit and/or vegetable stand, provided that the products are produced on the premises;

6. Golf course;

7. Residential facility for elderly persons;

8. Home day care/preschool;

9. Milk processing and sale, provided that at least 50% of the milk processed or sold is produced on the premises;

10. Nursery and/or greenhouse, excluding retail sales;

11. Nursing home;

12. Pigeons, subject to health department regulations;

13. Planned unit development;

14. Plant for storage or packing of fruit or vegetables produced on the premises;

15. Private educational institution having an academic curriculum similar to that ordinarily given in public schools;

16. Private nonprofit recreational grounds and facilities;

17. Public and quasi-public uses;

18. Radio and television transmitting and relay station and tower, excluding business office or studio, except such control room studio facilities as required for emergency

broadcasts in the event of a national or local disaster;

19. Residential health care facility for up to five residents on streets less than 80 feet in width, and up to ten residents on street 80 feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the state department of health, which use shall not change the residential appearance and character of the property;

20. Sportsman's kennel (minimum lot area one acre); and

21. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner.

19.17.040 Lot area.

The minimum lot size for any use in the RR-1-43 zone is 43,560 square feet. Upon the director's recommendation, the planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

19.17.050 Lot width.

The minimum width of any lot in the RR-1-43 zone shall be 100 feet, measured at the front setback of the home.

19.17.060 Front yard.

In RR-1-43 zone, the minimum depth of the front yard for main

buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

19.17.070 Side yard.

1. Dwellings and Accessory Buildings. In the RR-1-43 zone, the minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.

2. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

19.17.080 Rear yard.

In the RR-1-43 zone, the minimum depth of the rear yard for any main building shall be 30 feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.14.090 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings in the RR-1-21 zone shall maintain a minimum distance from property lines as follows: Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

D. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

E. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-43 zone may have an increase in maximum height to equal the maximum height of main buildings in the RR-1-43 zone.

19.17.100 Maximum lot coverage.

The maximum lot coverage in the RR-1-43 zone is 30%, which includes all structures.

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19.17.110 Open space requirement.

The minimum open space requirement for developments over five acres in the RR-1-43 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

Chapter 19.18
RR-1-29 – RURAL RESIDENTIAL
ZONE

Sections

- 19.18.010 Purpose.**
- 19.18.020 Permitted uses.**
- 19.18.030 Conditional uses.**
- 19.18.040 Lot area.**
- 19.18.050 Lot width.**
- 19.18.060 Front yard.**
- 19.18.070 Side yard.**
- 19.18.080 Rear yard.**
- 19.18.090 Maximum height of structures.**
- 19.18.100 Maximum lot coverage.**
- 19.18.110 Open space requirement.**

19.18.010 Purpose.

The purpose of the RR-1-29 zone is to provide a zone in the city which may function as a buffer of land uses and intensities of development between the RR-1-43 zone and the RR-1-21 zone in the rural residential areas of the city. The RR-1-29 zone is intended to be consistent with the general plan designation of rural residential and provide a tool for the creative design of single-family residential developments where the context of existing neighborhoods is accounted for in design.

19.18.020 Permitted uses.

Permitted uses in the RR-1-29 zone are as follows:

1. Single-family detached dwellings;
2. Accessory uses and buildings customarily incidental to permitted uses;
3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code;

19.18.030 Conditional uses.

Conditional uses in the RR-1-29 zone are as follows:

1. Bed and breakfast;
2. Home occupations;
3. Home day care/preschool; and
4. Day care/preschool center;
5. Fruit and/or vegetable stand, provided that the products are produced on the premises;
6. Nursery and/or greenhouse, excluding retail sales;
7. Planned unit development;
8. Public and quasi-public uses;
9. Sportsman's kennel for personal, non-commercial use; and
10. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner.

19.18.040 Lot area.

The minimum lot size for any use in the RR-1-29 zone is 29,040 square feet. To provide consistency with surrounding existing rural residential neighborhoods, new developments in the RR-1-29 zone shall, to the greatest extent reasonably possible, be organized in a manner that will allow the new development to match the physical context of the existing residential lots surrounding the new development, including, without limitation, locating the largest lots of the new development adjacent to the largest lots of the surrounding existing residential neighborhood. Upon the director's recommendation, the

planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

19.18.050 Lot width.

The minimum width of any lot in the RR-1-29 zone shall be 100 feet, measured at the front setback of the home.

19.18.060 Front yard.

In RR-1-29 zone, the minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

19.18.070 Side yard.

1. Dwellings and Accessory Buildings. In the RR-1-29 zone, the minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.
2. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.
3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet, or the average of existing

buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

19.18.080 Rear yard.

In the RR-1-29 zone, the minimum depth of the rear yard for any main building shall be 30 feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.18.090 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings in the RR-1-21 zone shall maintain a minimum distance from property lines as follows: Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property. Sides: Three feet on interior lots; 20 feet on the street side of corner lots. Rear: Three feet on interior lots; 20 feet on the street side of corner lots. Attached garages shall conform to the rear yard requirements of main buildings.

D. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

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E. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-29 zone may have an increase in maximum height to equal the maximum height of main buildings in the RR-1-29 zone.

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19.18.100 Maximum lot coverage.

The maximum lot coverage in the RR-1-29 zone is 30%, which includes all structures.

19.18.110 Open space requirement.

The minimum open space requirement for developments over five acres in the RR-1-29 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

Chapter 19.20
RR-1-21 – RURAL RESIDENTIAL
ZONE

Sections:

- 19.20.010 Purpose.**
- 19.20.020 Permitted uses.**
- 19.20.030 Conditional uses.**
- 19.20.040 Lot area.**
- 19.20.050 Lot width.**
- 19.20.060 Front yard.**
- 19.20.070 Side yard.**
- 19.20.080 Rear yard.**
- 19.20.090 Maximum height of structures.**
- 19.20.100 Maximum lot coverage.**
- 19.20.110 Open space requirement.**

19.20.010 Purpose.

The purpose of the RR-1-21 zone is to provide areas in the city for low-density rural residential development, together with limited agricultural uses.

19.20.020 Permitted uses.

Permitted uses in the RR-1-21 zone are as follows:

1. Single family detached dwellings;
2. Accessory uses and buildings customarily incidental to permitted uses;
3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code;
4. Home occupations;
5. Home day care/preschool; and
6. Household pets.

19.20.030 Conditional uses.

Conditional uses in the RR-1-21 zone are as follows:

1. Bed and breakfast;
2. Cemetery;
3. Day care/preschool center;

4. Dwelling group. The development shall comply with the maximum allowable density for the RR-1-21 zone.

(a) The distance between the principal buildings shall be equal to the total side yards required in the zone; provided, however, that at the option of the developer, the distance between the principal structures may be reduced to ten feet, provided that the difference between ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall not be less than 15 feet unless demonstrated by the development plan that the yard required for a principal building in that zoning district is more appropriate.

(b) The distance between the building and a public street shall be not less than the front yard required in the zoning district, except for corner lots the side yard which faces on a public street shall be not less than 20 feet.

(c) Access shall be provided by a private street or right-of-way from a public street; the private street or right-of-way shall not be less than 20 feet wide for one or two rear dwelling units and not less than 30 feet wide for three or more dwelling units.

(d) A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall be designed to comply with the city's parking standards.

(e) Every dwelling in the dwelling group shall be within 60 feet of an access roadway or drive.

(f) The development plan shall provide a buffer landscaped area along all property lines and decorative

landscaping adjacent to the buildings in appropriate locations. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.

(g) The development shall be approved by the director and the fire department before final approval is given by the planning commission.

5. Fruit and/or vegetable stand, provided that the products are produced on the premises;

6. Golf course;

7. Residential facility for elderly persons;

8. Home day care/preschool;

9. Milk processing and sale, provided that at least 50% of the milk processed or sold is produced on the premises;

10. Nursery and/or greenhouse, excluding retail sales;

11. Nursing home;

12. Pigeons, subject to health department regulations;

13. Planned unit development;

14. Plant for storage or packing of fruit or vegetables produced on the premises;

15. Private educational institution having an academic curriculum similar to that ordinarily given in public schools;

16. Private nonprofit recreational grounds and facilities;

17. Public and quasi-public uses;

18. Radio and television transmitting and relay station and tower, excluding business office or studio, except such control room studio facilities as required for emergency broadcasts in the event of a national or local disaster;

19. Residential health care facility for up to five residents on streets less than 80 feet in width, and up to ten residents on streets 80 feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the state department of health, which use shall not change the residential appearance and character of the property;

20. Sportsman's kennel (minimum lot area one acre);

21. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner;

19.20.040 Lot area.

The minimum lot size for any use in the RR-1-21 zone is 21,780 square feet. Upon the director's recommendation, the planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

19.20.050 Lot width.

The minimum width of any lot in the RR-1-21 zone is 80 feet measured 20 feet from the front lot line.

19.20.060 Front yard.

In the RR-1-21 zone, the minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the

existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

19.20.070 Side yard.

1. Dwellings and Accessory Buildings. In the RR-1-21 zone, the minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.

2. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

19.20.080 Rear yard.

In the RR-1-21 zone, the minimum depth of the rear yard for any main building shall be thirty feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.20.090 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than

15%, or if the property is located in a hillside sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings in the RR-1-21 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

D. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

E. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-21 zone may have an increase in maximum height to equal the maximum height of main buildings in the RR-1-21 zone.

19.20.100 Maximum lot coverage.

The maximum lot coverage in the RR-1-21 zone is 30%, which includes all structures.

19.20.110 Open space requirement.

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The minimum open space requirement for developments over five acres in the RR-1-21 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

Chapter 19.23
**R-1-15 -- RESIDENTIAL SINGLE-
FAMILY ZONE**

Sections:

19.23.010 Purpose.

19.23.020 Permitted uses.

19.23.030 Conditional uses.

19.23.040 Minimum lot size.

19.23.050 Minimum lot width.

**19.23.060 Setbacks/yard
requirements.**

**19.23.070 Maximum height of
structures.**

19.23.080 Maximum lot coverage.

19.23.090 Open space requirement.

19.23.010 Purpose.

The purpose of the R-1-15 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

19.23.020 Permitted uses.

Permitted uses in the R-1-15 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and
3. Home occupations.

19.23.030 Conditional uses.

Conditional uses in the R-1-15 zone are as follows:

1. Churches;
2. Bed and breakfast;
3. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
4. Planned unit developments;

5. Private parks and recreational grounds;

6. Public and quasi-public uses;

7. Radio and/or television tower;

8. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

9. Water pumping plant and reservoir;

10. Wireless telecommunication towers;

11. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and

12. Public schools.

19.23.040 Minimum lot size.

The minimum lot size in the R-1-15 zone is 15,000 square feet.

19.23.050 Minimum lot width.

The minimum lot width in the R-1-15 zone is 80 feet measured 20 feet from the front lot line.

**19.23.060 Setbacks/yard
requirements.**

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

Sides: 10 feet on interior lots, 20 feet on corner lots.

Rear: 20 feet.

Accessory buildings in the R-1-15 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

19.23.070 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.23.080 Maximum lot coverage.

The maximum lot coverage in the R-1-15 zone is 50%, which includes all structures.

19.23.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-15 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Deleted: Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.¶
Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.¶
Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots.
Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.¶
Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.¶

Chapter 19.25
R-1-10 -- RESIDENTIAL SINGLE-
FAMILY ZONE

Sections:

19.25.010 Purpose.

19.25.020 Permitted uses.

19.25.030 Conditional uses.

19.25.040 Minimum lot size.

19.25.050 Minimum lot width.

19.25.060 Setbacks/yard requirements.

19.25.070 Maximum height of structures.

19.25.080 Maximum lot coverage.

19.25.090 Open space requirement.

19.25.010 Purpose.

The purpose of the R-1-10 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

19.25.020 Permitted uses.

Permitted uses in the R-1-10 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and
3. Home occupations.

19.25.030 Conditional uses.

Conditional uses in the R-1-10 zone are as follows:

1. Churches;
2. Bed and breakfast;
3. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
4. Planned unit developments;
5. Private parks and recreational grounds;

6. Public and quasi-public use;
7. Radio and/or television tower;
8. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
9. Water pumping plant and reservoir;
10. Wireless telecommunication towers;
11. Utility stations and lines, as allowed by the applicable accessory regulations from chapter 19.76, "Supplementary and Qualifying Regulations"; and
12. Public schools.

19.25.040 Minimum lot size.

The minimum lot size in the R-1-10 zone is 10,000 square feet.

19.25.050 Minimum lot width.

The minimum lot width in the R-1-10 zone is 70 feet, measured 20 feet from the front lot line.

19.25.060 Setbacks/yard requirements.

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.

Rear: 20 feet.

Accessory buildings in the R-1-10 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

19.25.070 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.25.080 Maximum lot coverage.

The maximum lot coverage in the R-1-10 zone is 50%, including all structures.

19.25.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-10 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Deleted: Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.¶
Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.¶
Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots.
Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.¶
Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.¶

Chapter 19.26
**R-1-8 -- RESIDENTIAL SINGLE-
FAMILY ZONE**

Sections:

19.26.010 Purpose.

19.26.020 Permitted uses.

19.26.030 Conditional uses.

19.26.040 Minimum lot size.

19.26.050 Minimum lot width.

**19.26.060 Setbacks/yard
requirements.**

**19.26.070 Maximum height of
structures.**

19.26.080 Maximum lot coverage.

19.26.090 Open space requirement.

19.26.010 Purpose.

The purpose of the R-1-8 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

19.26.020 Permitted uses.

Permitted uses in the R-1-8 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and
3. Home occupations.

19.26.030 Conditional uses.

Conditional uses in the R-1-8 zone are as follows:

1. Churches;
2. Bed and breakfast;
3. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
4. Planned unit developments;
5. Private parks and recreational grounds;

6. Public and quasi-public use;
7. Radio and/or television tower;
8. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
9. Water pumping plant and reservoir;
10. Wireless telecommunication towers;
11. Utility stations and lines, as allowed by the applicable accessory regulations from chapter 19.76, "Supplementary and Qualifying Regulations"; and
12. Public schools.

19.26.040 Minimum lot size.

The minimum lot size in the R-1-8 zone is 8,000 square feet.

19.26.050 Minimum lot width.

The minimum lot width in the R-1-8 zone is 70 feet, measured 20 feet from the front lot line.

**19.26.060 Setbacks/yard
requirements.**

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.

Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.

Rear: 20 feet.

Accessory buildings in the R-1-8 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

19.26.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-6 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

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19.26.070 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

Deleted: Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.¶
Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.¶
Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots.
Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.¶
Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.¶

19.26.080 Maximum lot coverage.

The maximum lot coverage in the R-1-8 zone is 50%, including all structures.

Chapter 19.29
**R-1-6 -- RESIDENTIAL SINGLE-
FAMILY ZONE**

Sections:

19.29.010 Purpose.

19.29.020 Permitted uses.

19.29.030 Conditional uses.

19.29.040 Minimum lot size.

19.29.050 Minimum lot width.

**19.29.060 Setbacks/yard
requirements.**

**19.29.070 Maximum height of
structures.**

19.29.080 Maximum lot coverage.

19.29.090 Open space requirement.

19.29.010 Purpose.

The purpose of the R-1-6 zone is to allow for the establishment of single-family homes organized in medium-density neighborhoods characteristic of traditional suburban residential developments.

19.29.020 Permitted uses.

Permitted uses in the R-1-6 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing; and
3. Home occupations.

19.29.030 Conditional uses.

Conditional uses in the R-1-6 zone are as follows:

1. Bed and breakfast;
2. Churches;
3. Day care/pre-school, as allowed by the applicable accessory regulations from chapter 19.76, "Supplementary and Qualifying Regulations";
4. Golf course;
5. Planned unit development;

6. Private parks and recreational grounds;

7. Public and quasi-public uses;

8. Radio and/or television tower;

9. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

10. Water pumping plant and reservoir;

11. Wireless telecommunication towers; and

12. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations."

19.29.040 Minimum lot size.

The minimum lot size in the R-1-6 zone is 6,000 square feet.

19.29.050 Minimum lot width.

The minimum lot width in the R-1-6 zone is 60 feet measured at the front setback.

**19.29.060 Setbacks/yard
requirements.**

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 20 feet.

Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 15 feet per side yard.

Rear: 20 feet.

Accessory buildings in the R-1-6 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

Attached garages shall conform to the rear yard requirements of main buildings.

19.29.070 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

2. All other properties shall maintain a maximum structure height of 35 feet.

3. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.29.080 Maximum lot coverage.

The maximum lot coverage for the R-1-6 zone is 50%, including all structures.

19.29.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-6 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Deleted: Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.¶
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Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.¶



Item 5.2 Discussion Item - Amendments to Chapter 19.76 – Supplementary and Qualifying Regulations.

The attached document, which you have reviewed previously, reflects the proposed changes to chapter 19.76 regarding supplementary and qualifying regulations. We had some discussions last time about whether or not the regulations related to the construction of new homes in existing subdivisions was adequate. We will need to discuss that more in the meeting and I will bring some different examples of what types of additional regulations we can accomplish there.

Staff Contact:

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Planning Director
Telephone: 545-4166
Fax: 545-4150
E-mail: mblack@cottonwoodheights.utah.gov

Chapter 19.76
SUPPLEMENTARY AND QUALIFYING RULES AND REGULATIONS

Sections:

19.76.010 Effect of provisions.

19.76.020 Lots and lot area

- A. Lots in separate ownership.
- B. Separately owned lots—Reduced yards.
- C. Division of a two-family dwelling.
- D. Sale of lots below minimum width and area.
- E. Sale of space needed to meet requirements.
- F. Yard space for one building only.
- G. Front yard measurement from map.

19.76.030 Structures, bulk and massing requirements

- A. Dwellings, including guest houses, on lots.
- B. Accessory buildings—Area of coverage.

C. Public use—Reduced lot area and yards.

D. Structure height – Vertical distance.

E. Lot grade – measurement.

F. Height limitations – Building less than one story.

G. Height limitations—Exceptions.

H. Additional height allowed when.

I. Yard regulations.

J. Demolition permits.

K. Portable storage containers

L. Construction Mitigation.

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19.76.040 Land use

- A. Occupancy permit.
- B. Uses not listed—Compatibility standards.
- C. Special events and temporary sales.
- D. Home day care/preschool, small.
- E. Home day care/preschool large.
- F. Home occupations.
- G. Commercial renting of dwellings prohibited.
- H. Residential facilities for the elderly.
- I. Storage of RVs, boats and travel trailers.
- J. Car wash regulations.
- K. Non-depository lending institutions.
- L. Permitted uses – approval standards

19.76.050 Miscellaneous

- A. Appeal of planning commission decision.
- B. Off-site improvements.
- C. Water and sewage facilities.
- D. Intersecting streets and clear visibility.

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E. Fences.

F. Regulations regarding junk.

19.76.010 Effect of chapter provisions.

The rules and regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

19.76.020 Lots and lot area.

A. Lots in separate ownership.

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a zone which permits single-family dwellings, and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

B. Separately owned lots—Reduced yards.

On any lot under a separate ownership from adjacent lots and of record at the time of passage of the ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided that, on interior lots, the smaller of the two yards shall be in no case less than five feet, or the larger less than eight feet; and for corner lots, the wide yard on the side street shall be in no case less than 15 feet or the other side yard be less than five feet.

C. Division of a two-family dwelling.

Upon certification by the director, a legal, or legal non-conforming, existing or proposed two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall have a minimum lot area equal to one-half of the minimum lot area required in the zone for a two-family dwelling, which in no case shall be less than 4,000 square feet, and must meet all building, fire, health, parking and other requirements for a single-family dwelling. An application for lot division certification must be accompanied by a site plan showing buildings, landscaping, parking, and any other information deemed necessary by the director. The director may attach conditions to certification consistent with the purpose of the zoning ordinance. Any sale (prior to certification herein) dividing a lot occupied by a two-family dwelling shall be a misdemeanor.

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D. Sale of lots below minimum width and area.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a large parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the board of adjustment.

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E. Sale of space needed to meet requirements.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.

F. Yard space for one building only.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise provided in this title.

G. Front yard measurement from map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the city recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

19.76.030 Structures, bulk and massing requirements.

A. Dwellings, including guest homes, on lots.

1. Every dwelling shall be located and maintained on a lot, as defined in this title. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy a lot.

2. Guest houses shall be a permitted use in the following zones:

a. R-1-8; -10; and, -15

b. RR-1-21; -29; and, -43

c. F-1-21; and -43

d. F-20

3. The guest house shall be a detached accessory use to a principal residence and shall be located in the rear yard of the principal lot.

4. The maximum allowed area of the guest house shall 25 percent of the area of the principal residence (exclusive of garages).

5. The floor area of the guest house and principal residence combined shall not exceed the maximum impervious surface coverage for the site.

6. The rental or lease of a guest house, or the use of a guest house as a permanent residence for a second family on the premises shall be prohibited.

7. Installation of separate utility meters for the guest house is prohibited.

8. All bulk and massing requirements for accessory buildings, as per the applicable zone, shall be applicable to the guest house.

B. Accessory buildings—Area of coverage.

No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

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Deleted: C. **Single-family or two-family dwelling—Standards.**¶

Any detached single-family or two-family dwelling located on an individual lot outside of a mobile home park or mobile home subdivision must meet the off-street parking requirements in chapter 19.80, "Off-Street Parking Requirements," and the following standards in addition to any others required by law except as provided in subsection I of this section:¶

A. The dwelling unit must meet the city's building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development, and must not have been altered in violation of codes. A used manufactured home must be inspected by the city's building official or his designated representative prior to placement on a lot to insure it has not been altered in violation of such codes.¶

B. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the Utah State Tax Commission pursuant to *Utah Code Ann.* § 59-2-602, as amended.¶

C. The dwelling must be permanently connected to and approved for all required utilities.¶

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Deleted: D. The dwelling must provide a minimum of 72 square feet (per dwelling unit) of enclosed storage, with a minimum height of six feet, located in the basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.¶

E. The dwelling must be attached to a site-built permanent foundation which meets the city's building code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any succes[1]

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C. Public use—Reduced lot area and yards.

The minimum lot area and minimum ~~yard requirements of this title~~ may be reduced by the planning commission for a public use. The planning commission shall not authorize a reduction in the lot area or yard requirements ~~if rule 19.76.030(I) Additional Height is in use, or~~ unless the evidence presented is such as to establish that the reduction will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

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D. Structure height — Vertical measurement.

A. Structure height shall be measured by taking the average vertical distance measured at the four corners of the main structure. This measurement shall be taken from the original natural grade of the lot to the highest point of the roof structure. In cases where the four corners of the structure are not explicitly clear, the city's building official and the director shall designate the four corners of the structure.

B. Structures may be stepped to accommodate the slope of the terrain provided that each step shall be at least 12 feet in horizontal dimension. The height of each stepped segment shall be measured as required in subsection (A).

C. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations such as, without limitation, grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the director using the best information available.

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E. Lot grade – measurement.

~~The percent grade of a lot shall be derived by determining the percent increase or decrease in elevation using the area of the proposed structure footprint and the front yard.~~

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F. Height limitations—Buildings less than one story.

No building shall be erected to a height less than one story above grade.

G. Height limitations—Exceptions.

~~In the ORD, CR, MU, NC, RO and PF zones,~~ penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building may be erected above the height limits prescribed in this title when approved by the planning commission, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

Deleted: G. Height limitations—
Accessory buildings.¶

. No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall contain more than one story or exceed 20 feet in height, subject to more restrictive regulations in this title.¶

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H. Additional height allowed when.

Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding 40 feet if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

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I. Yard requirements

"Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

- A. Fences;
- B. Canopies, ~~not to include temporary or permanent carports.~~
- C. Accessory buildings in a rear yard ~~including temporary or permanent carports;~~
- D. The ordinary projections of windows where the projection is at least 18 inches above floor level, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three (3) feet;
- E. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet; and
- F. Structures less than 18 inches in height from the finished ground surface.

J. Demolition permits.

~~A. An approved site plan is required before a commercial building can be approved for demolition.~~

~~B. The following items must be submitted to obtain a demolition permit:~~

- ~~1. An asbestos inspection from an approved asbestos inspector.~~
- ~~2. A completed and approved "Pre-demolition Building Inspection Form" from Salt Lake Valley Health Department.~~
- ~~3. Approval for demolition from the Utah Division of Air Quality.~~
- ~~4. A letter or email, from all service providers to the property or structure, indicating that all utilities have been terminated.~~
- ~~5. A completed city building permit application.~~

K. Portable storage containers.

A. In all municipal, residential, commercial, office or mixed-use zone, portable storage containers are permitted only in accordance with the following:

- 1. As a temporary use, not to exceed 180 days, during the construction, remodeling or redevelopment of a permanent on site structure with a valid building permit.
- 2. In no case shall a lot contain more than one of such portable storage containers, nor shall any portable storage container be located in required landscape areas, front yard area, required open space, detention basins, drive aisles, fire lanes, required parking spaces, loading zones or any other location that may cause a threat to public safety, or create a condition detrimental to surrounding land uses and property owners.
- 3. For commercial, office and mixed-use zones a temporary site plan must be submitted for review by the department. Approval of more than one portable storage containers may be approved by staff if the DRC finds that the addition will not jeopardize the public health, safety or welfare or create a nuisance. In addition, the temporary use of portable storage containers shall not violate a conditional use approval.

L. Construction Mitigation Plan.

~~A. Prior to commencement of construction, a written construction mitigation plan addressing the following elements must be approved by . The construction mitigation plan shall address the following elements: (Please note: all elements may not apply to each individual project. There may also be additional elements, unique to the project that involve public health and safety issues.)~~

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1. Hours of Operation. The hours of operation are 7AM to 9PM, Monday thru Saturday, and 9AM to 6PM on Sunday.

2. Parking. Construction vehicle parking shall be restricted at construction sites so as to not block reasonable public and safety vehicle access along the street and sidewalks. Within paid and permit only areas, an approved parking plan must be obtained from the Public Works Department.

3. Deliveries. Deliveries of construction all materials and supplies may be regulated as to time (hours of operation) and routing.

4. Stockpiling & Staging. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on site may be required.

5. Construction Phasing. Due to narrow streets, topography, small lot configuration, traffic circulation, weather, construction parking and material staging problems, some projects may be required to be phased. In cases where phasing is deemed necessary, the first project to receive a building permit shall have priority, however, the Building Official shall have authority to phase projects as necessary to assure efficient, timely and safe construction.

6. Trash Management and Recycling of Materials. Construction sites shall provide adequate storage and a program for trash removal. Construction material recycling bins are encouraged on sites with adequate room for separation of materials.

7. Control of Dust & Mud. A program for the control dust or other airborne debris shall be required. Provisions must be made to prevent the tracking of mud on streets and it will be required to remove any such mud daily. Placing gravel in the egress and ingress areas to a job site is one method to control mud and dust problems.

8. Noise. Any noise above 65 decibels violates the noise ordinance, as well as any excessive or unusually loud noise that is plainly audible beyond the property line or outside the hours of operation.

9. Grading and Excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of dirt shall be addressed. Excavation 6 feet (1.8 m) or more in depth shall be protected from falling hazards by guardrail roofs, systems, fences, or barricades.

10. Temporary Lighting. An approved temporary lighting plan must be obtained from the Planning Department if any exterior, temporary lighting is necessary for construction.

11. Construction Sign. A sign shall be posted in a location where the sign is readable from the street or driveway. The sign shall not exceed 12 square feet in size and 6 feet in height. The lettering shall not exceed 4 inches in height. Information on the sign shall include:

- a. Name, address and phone number of the contractor
- b. Name, address and phone number of the person responsible for the project
- c. Name and phone number of the party to call in case of an emergency

19.76.040 Land use

A. Occupancy permit.

A. Land, buildings and premises in any zone shall hereafter be used only for the purpose listed in this title as permitted or conditional in that zone, and in accordance with

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the regulations established in this title in that zone.

B. The permit of occupancy shall be issued by the director to the effect that the use and/or building or premises conforms to the provisions of this title and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.

C. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

D. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

B. Uses not listed—Compatibility standards.

It is recognized that new types of land uses may develop and various forms of land uses not anticipated may seek to locate in the city. The provisions of this section shall provide a mechanism to classify land uses not listed in this title. Determination as to the classification of uses not specifically listed in this title shall be made as follows:

A. Written request. A written request for such a determination concerning an unlisted and uncoded proposed land use shall be filed with the director. The request shall include a detailed description of the proposed use and such other information as the director may require.

B. Investigation. The director thereupon shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification, using the following compatibility standards:

1. Volume and type of sales, ~~retail~~, wholesale; size and type of items sold and nature of inventory on the premises;

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2. Any processing done on the premises; assembly, manufacturing, smelting, warehousing shipping and distribution; and dangerous, hazardous, toxic or explosive materials used in processing;

3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored. business vehicles, work in process, inventory and merchandise, construction materials, scrap and junk, and bulk materials, ores, powders and liquids;

4. Number and density of employees and customers, per unit area of site and buildings in relation to business hours and employment shifts; 5. Business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to once to several times a year, such as sports stadiums or fairgrounds;

6. Transportation requirements, including modal split for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site;

7. Parking characteristics, turn over and generation, ration of the number of spaces required per unit area or activity, and potential for shared parking with other uses.

8. Predilection of attracting or repelling criminal activities to, from or other premises;

9. Amount and nature of nuisances generated on the premises noise, smoke, odor, glare, vibration radiation, and fumes; and

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10. Any special public utility requirements for serving the use water supply, waste water output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

C. Director's Recommendation. The director's recommendation concerning the proposed use shall be rendered in writing to the planning commission within 30 days unless an extension is granted by the planning commission. The director's recommendation shall state the zone classification in which the proposed use should be permitted as well as the findings which established that such use is of the same character and intensity of uses permitted in that zone classification.

D. Planning Commission Determination; Appeal. Upon receipt of the director's recommendation, the planning commission shall review such recommendation and either approve it as submitted, approve it with modifications, or reject it. The planning commission's decision may be appealed to the city council within 30 days after the date of such decision.

E. Effect of Determination. A use approved for a zoning district based on the foregoing compatibility standards shall thereafter become a permitted or conditional use (as designated by the planning commission) for that zoning district, and shall have the same status as a permitted or conditional use, as applicable, specifically named in the regulations for the zone classification in question.

C. Special events and temporary sales.

A. The director may issue a temporary use permit for a temporary sale, special events, or other amusement enterprise of a similar nature, transient in nature, or Christmas tree sales, providing he shall find that the use will not conflict with the uses in the neighborhood and/or zoning of the subject property. To determine the compatibility of uses, the director may call a public hearing. Request for such permit shall be submitted in writing.

B. In issuing a permit, the director may:

1. Stipulate the length of time the permit may remain valid;
2. Stipulate the hours of operation of the use; and
3. Stipulate other regulations which are necessary for the public welfare.

D. Home day care preschool, small.

"Home day care/preschool, small" means the keeping for care and/or preschool instruction of six or ~~fewer~~ children including the caregiver's own children under the age of six ~~and under~~ and not yet in full day school within an occupied dwelling and yard. A home day care/preschool, small is exempt from the home occupation requirements of this code, but must meet all of the following standards:

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A. There may be a maximum of six children on premises at any time, including the caregiver's own children under the age of six and not yet in full day school.

B. There shall be no employees that do not reside in the dwelling.

C. The home day care/preschool, small caregiver shall comply with all applicable licensing requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

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F. The lot shall contain one available on-site parking space not required for use of the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool, or small caregiver, the city shall review the complaint and, if substantiated, may institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice concerning the licensing of a home day care/preschool, small, at such property; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such license, and no such license shall be deemed invalid or illegal because of any failure to mail any such notice.

E. Home day care/preschool.

"Home day care/preschool" means the keeping for care and/or preschool instruction of 12 or fewer children including the caregiver's own children age six or under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool may be approved by the planning commission if it meets all of the following standards:

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A. There may be a maximum of 12 children on premises at any time, including the caregiver's own children under the age of six and not yet in full day school.

B. There shall be no more than one employee present at any one time who does not reside in the dwelling.

C. The home day care/preschool caregiver shall comply with all applicable licensing requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

F. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool caregiver, the city shall review the complaint and, if substantiated, may (1) set a hearing before the planning commission to revoke any conditional use permit, and/or (2) institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice of any hearing to grant or revoke any conditional use permit at least ten days prior to the date of the hearing; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such hearing, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail any such notice.

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F. Home occupations

A. "Home occupation" means, (unless otherwise provided) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

B. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.

C. The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.

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D. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.

G. Commercial renting of dwellings prohibited.

It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof located within any forestry, residential, rural residential or foothill zone for accommodation purposes or occupancy by different individuals for a period less than 30 consecutive days except as specifically permitted by this title.

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H. Residential facility for elderly persons.

A. "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that is occupied 24 hours a day in a family-type arrangement by eight or fewer elderly persons 60 years old or older capable of living independently.

B. Such facility shall be owned by one of the residents or by an immediate family member of one of the residents or the title has been placed in trust for a resident.

C. Placement in such facility is on a voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

D. No person being treated for alcoholism or drug abuse may be placed in such a facility.

E. The structure shall be capable of use without the residential character being changed by exterior structural or landscaping alterations.

F. Each facility shall not be located within three-quarters of a mile of another residential facility for elderly persons or residential facility for handicapped persons.

G. This use is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

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J. Car wash regulations

A. Applicability and general purposes. Construction and operation of a car wash is subject to prior conditional use approval by the planning commission. The regulations in this section are intended to allow reasonable opportunities for car washes in the city, while (1) reducing noise and adverse visual impacts on abutting uses, particularly residential uses; (2) ensuring adequate drainage; (3) promoting safer and more efficient on-site vehicular circulation; (4) promoting an aesthetically pleasing environment for car washes; and (5) assuring that car washes are located so that they are not the dominant land use in the city's primary commercial or gateway corridors.

B. Location and site.

1. The lot proposed for a car wash shall be located in a zone that specifically allows a car wash as a conditional use or a permitted use.
2. The lot proposed for a car wash shall contain at least 10,000 square feet.
3. The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street (as designated by the city).
4. The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection, as determined by the city.
5. No car wash shall be located on a corner lot.

C. Additional requirements.

1. General.

(a) Any trash or service area of a car wash shall be fully screened from other properties and public streets.

(b) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

2. Access, circulation and on-site parking.

(a) Access points and driveways shall be planned and shared between properties to the greatest extent possible.

(b) Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the car wash. Sidewalks in front of, or directly adjacent to, a car wash shall be at least four (4) feet wide.

(c) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.

(d) The planning commission shall specify the distance between any two curb cuts used for entrances or exits to a car wash on a case-by-case basis, provided that such distance shall not be less than thirty-five (35) feet.

(e) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.

(f) In addition to parking requirements for employees and wash bays set forth in chapter 19.80, each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced: (i) three (3) stacking spaces for each bay in a

Deleted: I. Storage of RVs, boats and travel trailers.¶

.. All RVs, boats and travel trailers which exceed eight feet in length shall only be stored in a side yard or rear yard, and shall also be subject to other regulations of this code.¶

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self-service car wash; and (ii) six (6) stacking spaces for each in-bay automatic or conveyor car wash.

3. Building and equipment setbacks.

(a) A car wash shall be set back a minimum of twenty-five (25) feet from the front property line.

(b) Accessory equipment, such as vacuum facilities, shall be set back a minimum of twenty (20) feet from any adjacent street.

(c) Car washes shall meet the side and rear setbacks required by the underlying zone.

4. Architectural design.

(a) A car wash shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.

(b) 360 degree architectural treatment is required. Building design must incorporate variations in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.

(c) Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

(d) All car wash apparatus shall be enclosed or screened from adjacent streets and properties by means of an effective screening device of a height appropriate to its screening function. Screening may include: solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or a suitable combination of the above.

5. Site furniture. Site furniture (such as bicycle racks, trash receptacles, and benches) is required to be incorporated in the design of a car wash, as specified by the city through the conditional use process. The style of the site furniture must complement the overall design of the principal building and be of high quality.

6. All structures within the development shall be designed, constructed and permanently maintained in a planned, integrated, compatible and coordinated manner using the same or substantially identical:

(a) Exterior building materials and colors;

(b) Architectural features and style; and

(c) Lighting and lighting fixtures.

7. Lighting Requirements. In addition to general lighting requirements specified in chapters 19.76 and 19.80 of this code, the following specific lighting requirements shall apply to car washes:

(a) Lighting of car washes shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.

(b) Full cut-off lighting is required.

(c) Site lighting photometric plans are required.

(d) The following lighting is prohibited on car wash sites: (i) exposed strip lighting used to illuminate building facades or outline buildings; (ii) neon tubing; and (iii) blinking or flashing lights.

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8. Landscaping requirements. All landscaping shall comply with the landscaping requirements of the underlying zoning and the conditional use approval for the car wash.

D. Operational requirements. The following operational requirements apply to all car washes:

1. Water recycling.

(a) All car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash.

(b) Any applicant for a car wash shall submit site plan for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water, and shall provide the city with evidence of its submittal to and response/approval by the applicable water and wastewater providers.

2. Hours of operation. Car washes shall not be open for business or otherwise in operation during the nighttime and early morning hours of 10:00 p.m. and 7:00 a.m. the following day.

K. Non-depository institutions

Non-depository institutions are permitted as a conditional use within the Regional Commercial (CR) zone, subject to the following restrictions:

A. A non-depository institution shall not be located within one (1) mile of any other non-depository institution inside the city's geographical boundaries. The distance shall be measured from the exterior walls of the building (or portions thereof) in which the non-depository institution is located or proposed to be located, and shall be measured as a straight and direct line distance from said point.

B. In addition to the geographical restriction under subsection 19.76.370(A) above, the total number of non-depository institutions located within the city's geographical boundaries shall not exceed one (1) non-depository institution per ten thousand (10,000) residents of the city. A portion or fraction resulting from such a calculation that does not equal a whole number shall not increase, through "rounding" or otherwise, the total number of non-depository institutions possible under this section. For example, if the city's population was 39,999, then a maximum of three (3) non-depository institutions would be possible in the city, and a fourth (4th) non-depository institution would not be possible until the city's population was 40,000 or more. For purposes of such calculation, the city's population shall be determined by the figures provided by the United States Census Bureau's most recent annual estimate.

C. All non-depository institutions are subject to all applicable architectural, design, aesthetic and other regulations of all applicable zones, overlay zones, and other requirements of this title. In addition, all non-depository institutions are subject to the following supplemental regulations:

1. The color of the building housing the non-depository institution shall be restricted to earth tones or shall match the city-approved design theme of the development of which it is a part.

2. At least twenty-five percent (25%) of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.

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3. The use of bars, chains, or similar security devices that are visible from a public street or sidewalk is prohibited.
4. The use of neon lighting shall be prohibited on the building exterior.
5. All signage associated with any non-depository institution shall conform to the requirements of chapter 19.82 of this title.

L. Permitted use, approval standards.

19.76.050 Miscellaneous

A. Appeal of planning commission decision.

1. Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of adjustment, whose decision shall then be final. All appeals to the board of adjustment must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the board of adjustment may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the board of adjustment.
2. For more information regarding planning commission decisions, please see chapter 19.84 of this title.

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B. Intersecting streets and clear visibility.

In all zones, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by public or private street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

Deleted: . Any person shall have the right to appeal a decision of the planning commission. Appeals shall be made to the board of adjustment unless a right of appeal to the city council is specifically granted in this title.¶

C. Off-site improvements.

A. Off-site Improvements Required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter, sidewalk and asphalt along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be provided as allowed in the this code. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.

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B. Fee in Lieu of Improvements.

1. Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such improvements, as determined by the director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.

2. The fees shall be placed in a special account, and shall credit to such account a

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proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the department.

D. Water and sewage facilities.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer, as defined in the health department regulations, is not available within _____ feet of property where the building or use is proposed, and all cases where a proposed supply of piped water under pressure is not available within _____ feet of property where the building or use is proposed, the alternative sewage disposal and the domestic water supply shall comply with requirements of the health department, and the application for a building permit shall be accompanied by a certificate of approval from the health department.

Deleted: . C. . Exceptions.¶

1. The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.¶
2. The planning commission may grant exception to installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare are preserved.¶

F. Regulations regarding junk.

A. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed one year if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed one year provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;
2. The automobile or truck shall not be visible from any public street; and
3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

G. Fences.

No fence, wall or hedge shall be erected to a height which exceeds four feet in the front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and

Deleted: E. Animal and fowl restrictions.¶

No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet from any street.¶

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convincing showing by the property owner (a) of unique or special circumstances of a material, adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence, and (b) that erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

Deleted: 19.76.320 . Short term rentals¶

A. . "Short-term rental" means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 consecutive days.¶

B. . A short-term rental shall not contain more than four bedrooms.¶

C. . A short-term rental shall be maintained to the following minimum standards:¶

1. . Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and¶

2. . Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and¶

3. . Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of 5:00 p.m. and 6:00 a.m., the sidewalk shall be cleaned before 8:00 a.m. the morning following the storm.¶

D. . Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land users.¶

E. . A short-term rental use shall not have any signs on the premises that advertise the use.¶

F. . The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.¶

G. . Outdoor pools, hot tubs or spas shall not be used between the hours of 10:00 p.m. and 8:00 a.m.¶

H. . The operator of a short-term rental must be continuously licensed to operate such a business under title 5 of this code.¶

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D. The dwelling must provide a minimum of 72 square feet (per dwelling unit) of enclosed storage, with a minimum height of six feet, located in the basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.

E. The dwelling must be attached to a site-built permanent foundation which meets the city's building code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of 36 inches by 36 inches and that is constructed to meet the requirements of the city's building code. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.

F. At least 60% of the roof of the dwelling must be pitched at a minimum of two-and-one-half to 12 (2.5:12) and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate or built-up gravel materials.

G. The dwelling shall have exterior siding material consisting of wood, masonry, concrete, stucco, masonite, or metal or vinyl lap, or any material meeting the city's building code or materials of like appearance approved by the director. The roof overhang must not be less than six inches, including rain gutters which may account for up to four inches of overhang, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves and other appendages which together do not exceed 25% of the length of the dwelling. The roof overhang may be reduced to two inches on the side of the dwelling facing the rear yard except on corner lots.

H. The width of the dwelling shall be at least 20 feet at the narrowest part of its first story for a length of at least 20 feet exclusive of any garage area. The width shall be considered the lesser of the two primary dimensions. Factory-built or manufactured homes shall be multiple transportable sections at least ten feet wide unless transportable in three or more sections, in which case only one section need be ten feet.

I. The director may approve deviations from one or more of the developmental or architectural standards provided in subsections E through H of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the director may be appealed to the board of adjustment.

J. Replacement of an existing nonconforming manufactured home on a lot outside a mobile home park or mobile home subdivision shall comply with all requirements herein.

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Item 6.0 Planning Director's Report

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